

January 24, 2011

Mr. Chairman, Members of the Committee,

My name is Cheryl Wolfe, and I'm a Certified Public Accountant in Polson, Montana. While a student in Colorado, I was violently abused by my husband. We had two sons and our youngest was 10 months old on the last day I ever voluntarily met with that man. When he was done, I picked up my baby boy where he'd left him face down in the snow with a bloody face and a broken leg. The horror and fear I experienced is something I can never forget. He was not prosecuted for injuring our baby, but there were witnesses to his violence against me, and evidence of the pattern of his abuse. So after the divorce and custody battle, after all the hearings, the witnesses, and the evidence presented, we had a court ordered divorce decree stating "the court finds that due to [his] spousal abuse, it is expressly in the best interests of the children for [me] to have sole custody of the children."

He'd moved away, and after graduation I moved to Polson, closer to family. I took care of our kids, worked hard, married a kind man who loved the boys, and my ex-husband had visitation as was provided for in the decree, although there were ongoing problems as he would not comply with the court orders. Six years after the divorce he re-married, moved to Polson, and sued for custody on the grounds that his moving was a change in circumstances.

The first guardian ad litem was an attorney who interviewed everyone, spent time with the kids, talked to lots of people who knew the kids, including his family who advocated on my behalf, and examined evidence presented by both sides. She recommended custody remain unchanged.

But my ex-husband requested another guardian ad litem. And he'd made a friend who was a local attorney. They'd spent time camping together and they went on a rafting trip together. This attorney volunteered to help and petitioned the court to be appointed as guardian ad litem for my children, and said he would do it for free. Over my objections the judge appointed this man, my ex's friend, as guardian ad litem. Sure enough, the new GAL recommended custody be given to my ex. Unbelievably, he did no investigation. He never even spoke to me, in person or otherwise, not even a single interview. He never spoke to their step-father or any relatives, teachers, daycare providers, doctors, or anyone who'd known us over the years. It appeared that the whole thing was merely a favor for a friend.

To my children and our family it was extremely damaging and unbelievably costly. It was unfair, unprofessional and unethical. It made the whole system look like a good-ol'-boys club. I did regain custody nine months later, but my youngest son was suicidal by then. When we took the boys, then 10 and 12 years old, back over to his house to get their things -- their biological father had thrown all their clothes, books, toys and other belongings out all over the yard and driveway.

It should go without saying that persons representing minor children should have consistent training, guidelines, and oversight. Even persons hired to clip toenails have professional accountability to certain standards. So should the people impacting the lives of our most vulnerable young people. My kids got a raw deal, and were damaged in ways that cannot be described in this limited space. I sincerely request that you pass this bill for the sake of other children who need your help.

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